



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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Fire Sprinkler Requirement for Nightclubs in Washington State

Background:

In May of 2005 the Washington State Legislature approved Engrossed Substitute House Bill (ESHB) 1401 which required that fire sprinklers be installed in existing nightclubs state-wide by December 1, 2007. The law provided specific criteria to define the term “nightclub” for the purpose of determining whether or not the sprinkler requirement applied to a particular club or business establishment.

The law directed that the requirement to sprinkler nightclubs be incorporated into rules developed by the State Building Code Council. On December 1, 2005 the State Building Code Council approved rules which incorporate the fire sprinkler requirement for nightclubs as part of the International Fire Code. The International Fire Code is specified by RCW 19.27.031 as part of the state building code which “shall be in effect in all counties and cities”. The SBCC adopted the rules pertaining to nightclubs to be effective on July 1, 2006. This allows about 18 months for nightclub establishments to come into compliance, as was the legislative intent.

Local Counties and Cities Responsible to Enforce the State Building Code

RCW 19.27.050 states that the state building code shall be enforced by counties and cities. While counties and cities can amend the state building code as it applies within their jurisdiction, they cannot diminish the minimum performance standards established by the codes. Local amendments to the state building code can only be more stringent; not less stringent.

The law requiring fire sprinklers in nightclubs included explicit criteria to be used in defining a nightclub, and gave an explicit compliance date by which time the fire sprinklers must be installed. Because of this, local jurisdictions are not able to approve local amendments that would provide more time for compliance, or would exclude businesses that meet the definition of a nightclub as defined in state building code. These issues would require the state legislature to act.

In the near future inspectors from local jurisdictions are likely to begin contacting owners and operators of existing businesses to determine if their business meets the definition of a nightclub in the state building code, and thus will be subject to the requirement to provide fire sprinkler protection.

Potential for Property Tax Exemption

In recognition of the cost of adding built-in fire protection, ESHB 1401 provided that prior to installation of an automatic sprinkler system, an owner of an affected property may apply to the assessor of the county in which the property is located for a special property tax exemption. This exemption allows for the assessed increase in value attributable to the installation of an automatic sprinkler system to be exempted for ten years on property classified as eligible.

Nightclub Fatalities Drive Code Changes

Washington State Legislative support for nightclub fire sprinkler requirements undoubtedly occurred in response to the nightclub fire occurring in February 2003 at the Station Nightclub in West Warwick, Rhode Island which claimed 100 lives. A fire similar in nature to that occurring at the Station occurred just three days prior in a nightclub in Minneapolis, Minnesota. But in Minneapolis, the nightclub was protected by fire sprinklers and there were no deaths or injuries.

Washington joins Rhode Island and Massachusetts in enacting a state-wide fire sprinkler requirement for existing nightclubs with occupant loads of over 100 persons. Many states in the eastern United States adopt the National Fire Protection Association (NFPA) 101 Life Safety Code as their minimum life safety standards. The 2006 version of NFPA 101 also requires retroactive installation of fire sprinklers in nightclub occupancies with an occupant load of 100 or more. While Washington is among the first states to enact the requirements for retroactive sprinklers in certain nightclubs, it is likely to be joined by many other states in the near future.